Previous references.

File No.
68 of 1903-04

1904

(III – Prisons.)

Later references.
J. C. 7. 46 of 1902-05,
Serial nos 1 to 4,
Pncons 5 to 6 files
in 7 No 68 of 03/04

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4.

PART B FOR July 1904.

SUBJECT.

Intimation to the Residency of the date of release of prisoner Biya bin Honnura, now undergoing imprisonment in Mysore Jail

FILE No. 68 of 1903-04.

Intimation to the Residency of the date of release of one Biya bin Honnura, now a prisoner in the Mysore Jail.

1 From the First Assistant to the Hon'ble the Resident in Mysore. No. 2844, dated 13th June 1904. (1 to 3)
Enquires when Biya *bin* Honnura, referred to in the enclosed correspondence between his office and the District Magistrate, Dharwar, will be released from the Jail in Mysore. (With one enclosure.)

2 To the Inspector General of Prisons in Mysore. No. 2721 J., dated 18th June 1904.
Requests that the date of release of the said prisoner Biya *bin* Honnura may be ascertained and intimated to this office.

3 From the Inspector General of Prisons in Mysore, No. 566, dated 24th June 1904. (4 1919)
Reports that as the prisoner who is undergoing a long term of imprisonment, is supposed to earn certain period of remission under the Mark Rules, the date of his release could be ascertained and given only about a month before such release. (With an enclosure.)

4 To the First Assistant to the Hon'ble the Resident in Mysore, No. 7 Pol., dated 2nd July 1904.
Communicates the above report of the Inspector General of Prisons, and states that the date of release of the prisoner will, if required, be ascertained and intimated

G. R.

G.R.S. 11] 1904.

GENERAL AND REVENUE SECRETARIAT.

(Prisons & Jails.)

NOTES.

File No. 68 of 19

FILE HEADING.

Intimation to the Residency of the date of release of one Bija Bin Honnura, now a prisoner in the Mysore Jail.

From

The First Assistant to the Hon'ble the Resident in Mys

No. 2841 Dated 13-6-04. Received 13/14-6-04.

Diary No. J/1860	Enclos. one Spare Copies.	Serial No. /

BRIEF ABSTRACT OF LETTER.

Forwards copy of correspondence between the District Magistrate of Dharwar and his office, and enquires when prisoner Bija Bin Honnura referred to therein will be released from the Jail at Mysore.

NOTES AND ORDERS.

The view taken by the British Resident is quite correct. Give intimation of the date of release. The warrant may, I suppose, be executed by the Superintendent after release.

(Sd.) P. N. K.

13 - VI - 04.

NOTES—First sheet.

MGCPB—5,000—18-5-04

General and Revenue Secretariat.

File No. 68 of 1903-04.

Serial No.

office;

Draft. When reply is received note a reply to the query whether the Superintendent of the Jail can execu the warrant. Should not the officer t whom it is addressed be a Magistrate or a Police officer? Look up Chief Commissioner's Notifications &c.

Q.V. K.S. C. 16.6.

3. From the Inspector General of Prisons in Mysore, No 566, dated 24th June 190 in reply to this office No 2724/J, dat 18th June 1904.

Submitted. With reference to the Dewan's query: Under the existing rules the Superintendent of the Jail is not authorised to execute a warrant issued by a British Magistrate, but a reference from the Residency suggest the amendment of the late Chief Commissioner's Notification No 111,

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

General and Revenue Secretariat.

File No. 68 of 1903-04.

Serial No.

dated 23rd July 1878, so as to enable an officer in charge of a Jail to execute such a warrant, has been received and is pending before the Deputy Secretary.

Dy Sy. N.

Draft accordingly (as per D. reply) to the D. A. Resident.

Dy K. S. 6. 29. 6

Draft letter to D. A. Resident, as approved by the Secretary, despatched on 2.7.04.

J/860. SK No 1
68 of 1903-4.

R. P. B.—4-04.—1,000.

Urgent Bel 1908

No. 2844 Ecn 1

FROM

R. C. H. MOSS. KING, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 13 June 1904.

SIR,

In enclosing a copy of the marginally noted correspondence between the District Magistrate of Dharwar and this office, I am directed to enquire when Piya Bin Honura therein referred to will be released from the jail at Mysore.

No. 2387 dated the 20th April 1904 from the District Magistrate Dharwar and enclosure.
No. 2527 dated 23rd May 1904 to....do.....
No. 3420 dated 4th June 1904 from .....do.....

2. The favour of a very early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

Memo letter
Letter B.R is quite
correct. Give intimation
when date of release
the warrant may
be sent for execution
by the Superintendent
Mysore

13. VI. 04

15/6

14/6/04

Memo the existing rule. The Supdt of the jail is not authorised to execute a warrant issued by a British Magistrate, but a copy from the Register of Convictions of the late Honora Hotta No 111 of 13 [illegible]

Copy of letter No.2387, dated the 20th April 1904, from the District Magistrate, Dharwar, to the Resident in Mysore

---

Surrender of a prisoner confined at the Bangalore City Jail, to the British Police.

There being sufficient evidence to proceed, under Section 380 or 411, Indian Penal Code, against one Biya bin Honura Nahar of Jinalli in the Mysore State now a prisoner in the Central Jail at Bangalore, the Second Class Magistrate of Kod in this District requested the Jail Superintendent to hand over the prisoner to the Police at Kod but the Superintendent declined to comply in the absence of an order of the Mysore Government for the transfer of the prisoner. (Copy of the Kod Magistrate's No.66 dated 22nd ultimo and the Superintendent's reply No.955, dated 28th ultimo are herewith forwarded for ready reference.

2. Under the authority of G.R.No.843, dated 3rd February 1902, Judicial Department, I think that no such sanction is necessary and have however, the honour, in order to avoid delay or correspondence, to request that you will kindly order transfer of the prisoner to the Magistrate of Kod at an early date.

Copy of letter No.2527, dated the 25th May 1904, from the First Assistant to the Hon'ble the Resident in Mysore to the District Magistrate, Dharwar.

In acknowledging the receipt of your endorsement No. 2827, dated the 11th May 1904, I am directed to state that the late Chief Commissioner of Mysore's Notification No.111, dated the 23rd July 1878 confers no authority upon a Jail or other officer in Mysore to send to British India a convict undergoing his sentence in a jail in Mysore. Such a convict, even if sur-rendered to British authorities, cannot under the law, now in force, be restored to undergo the unexpired portion of his im-prisonment after the termination of the proceedings before the British Court.

2. In these circumstances I am to state that, until the Indian Extradition Act XV of 1903 is brought into force, the extradition of Biya bin Honura applied for in your letter No. 2387, dated the 20th April 1904 can be effected only on his release from jail after the expiry of his present sentence.

Copy of letter No.3420, dated the 4th June 1904, from the District Magistrate, Dharwar, to the First Assistant to the Resident in Mysore.

Your No.2527, dated 23rd ultimo.

I have the honour to enquire on what date the convict Biya bin Honura will be released from the Bangalore Central Jail

Jail, to enable me to issue in good time a warrant for his arrest.

I presume the warrant issued by me will be duly exe-
-cuted by the Superintendent of the Bangalore Jail.

C o p y,

R. v. Tirumalai Aiyangar

Registrar.

Sl No 2

68 of 1903-04.

To.

The Inspector General
of Prisons in
Mysore.

Dated 18/6/04

No 2724 Jail-one

I'm enclosing Co
of the marginally no
Correspondence bet
the Dt Magte of Dhar
and the Hon'ble the Resident in M
has the honour to
request that the Insp
Genl will be so good
as to ascertain and
intimate (as very early as
of release of Convic
Biya bin Honnura, re
-ferred to therein, wh
is now said to be un
going sentence of
imprisonment in the
Bangalore Central
jail. -

By ord

for Secretar

No 2387 dated the 20th April 1904. from the Dt Magte, Dharwar and enclosure.
No 2527 dated 28th May 1904 - to - ditto -
No 3420 dt 4th June 1904 from -- do --.

Mde

When Wpl is rec'd, note
& Wpl When Guard whether
the Supdt of the Jail can
create the warrant - Should
not the Affidavit & the Affidavit!
by a Magte & the Affidavit!
Look up Chief Commr Mysore etc.
16/6

No. 566 Enc. 1

68 of 1903-4.

Office of the Inspector General of Prisons in Mysore, Bangalore Dated 24th June 1904.

From

Lt-Colonel John Smyth M.D., I.M.S.

Offg: Inspector General of Prisons in Mysore, Bangalore.

To

L. Anantaswamy Rao Esqr: B.A.

Offg: Secretary to the Government of Mysore, General and Revenue Departments.

Sir,

In reply to your docket No. 6724/J, dated 18th June 1904, enclosing the copy of correspondence between the District Magistrate of Dharwar and the Honorable the Resident in Mysore, and requesting to ascertain and intimate the date of release of convict Biya bin Honnura therein referred to, who is said to be undergoing sentence of imprisonment in the Bangalore Central Jail, I have the honor to report that the aggregate term of which prisoner Biya referred to, was sentenced amounts to 5½ years rigorous imprisonment and to pay a fine of Rs. 50/- in default of payment of fine, to suffer additional rigorous imprisonment for 6 months. Counting from the date of sentence, viz:- 19th April 1903, his warrant date of release falls on the 18th October 1908 if fine paid or 18th April 1909, if the same not paid.

2. The prisoner being a long termer, is under the benefits of the Mark Rules, and as such he is supposed to earn certain period of remission. It is not therefore possible now to give his actual date of release; and the same if required may be ascertained and given a month before the release of the convict in question. The prisoner is reported to have been transferred to the Mysore Jail on the 2nd February 1904.

3. A copy of letter No. 1280 dated 21st idem received from the Superintendent Bangalore Central Jail, is forwarded herewith.

I have the honor to be
Sir,
Your most obedient servant,

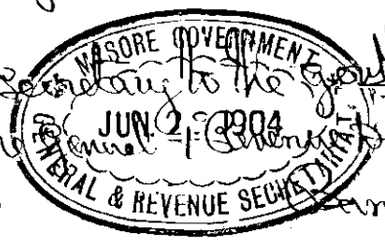
Lt-Col. M.D. I.M.S.

1929

1904.

From The Inspector General of Prisons in Mysore.

To The Secretary to the Govt of Mysore General (Chief) Department Bangalore



Dated 24th June 1904

Despatched 28th do

Received

General No. 566
No. 5

Enclosure No. One

Intimates the warrant date of release of Prisoner Biya who is said to be undergoing sentence of imprisonment in the Mysore Jail

(Enclosure to Sc. No 8.)

Office of the Superintendent, Central
Jail, Bangalore 21st June 1904.

From

G. Hume Wright Esqr
Superintendent, Central Jail

To,

Lt. Col. J. Smyth M. D. I. M. S,
offg. Inspector General of Prisons
in Mysore, Bangalore.

Sir,

In continuation of this Office letter
No 1269 dated 20th June 1904, I have the
honor to state that prisoner Biya bin
Honnura was originally sentenced to 6 months
rigorous imprisonment on the 19th April 1902
by the 2nd Assistant Commissioner and 1st
Class Magistrate, Shimoga and subsequently
to 5 years rigorous imprisonment and a fine
of Rs 50/- or 6 months additional rigorous
imprisonment in Shimoga Sessions Case No
2 of 1903-04 on the 8th August 1903. He also
5 years 6 months and Rs 50/- or in default
of payment of fine 6 months additional
rigorous imprisonment. His warrant
date of release falls on 18th October
1908

8/
208 or 18th April 1909 if fine is not paid
- being a long termer is brought on the
mark Rules and his actual date of
release under mark Rules cannot be
ascertained now.

I have the honor to be
Sir,
Your most Obedient Servant.

/sd/- G. Hume Wright
Superintendent
Central Jail

"Copy"

Hon-ble
Sir-D.

Lieut. Col. I. M. S.
Inspector General of Prisons
in Mysore.

JL No 604
68 of 1903-04.

To.

The First Assistant
to the Resident in
Mysore

Dated 1st July 1904
Pol. No 7... -L

Sir,

In reply to
your letter No 2844 dat
the 13th June 1904 reque
-ing to be informed when
~~-ing information as~~
~~to the date of rele~~
~~of~~ Beja Bin Honnura
~~who is said to be~~ un
-going ~~sentence of~~
imprisonment in
Bangalore Central
Jail will be released I am directed t
state that ~~it has been~~
~~by~~ the Inspector Gener
of Prisons in Mysor
Report that the aggregate sen
passed upon the said pris
~~Beja referred to~~ amo
to 5½ years ~~rigorous im~~

~~fine of~~ Rs 50 or in default
of payment ~~of which~~ thereof he can
additional rigorous
imprisonment for 6 Months
counting from the date
of sentence, viz, the 9th April
1903, ~~but~~ the date of this
release ~~shall be~~ is the
8th October 1908, if fine be
paid, or the 8th April
1909, if the fine be not
paid.

2. The prisoner being one sentenced to
a long ~~term~~ period he is entitled
to the benefits of the
Mark Rules, and so
~~such he is supposed~~
to earn certain periods
of remission. It is not
therefore possible now
to give the actual date
of release; but the same will,
if required, be ascertained
and intimated a month
before this release of the
~~convict in question.~~
The prisoner ~~is reported to have been~~ was
transferred to the Mysore jail on 12-2-04.

I have etc

1.7.1904

Asst. Secretary